

and 400 mA with a potential of between about 1 and 11 Volts and a frequency of between about 20 and 50 Hz prior art. These characteristics are not taught by the prior art.

Claims 1-23 were cancelled as mentioned above. Nevertheless, the rejections of these claims will be addressed as though they were applied to pending claims 24-36.

Claims 1-8, 10, 12, 13, 16, 17, 20 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated by US 3,933,147 to Du Vall et al. that discloses a probe intended to be introduced into the vagina of a female patient for strengthening the human pubococcygeous muscle that has been damaged from childbirth or over use. The probe is connected to a pulse generator and delivers current pulses at a frequency of at least 100Hz to the vagina. The patent to Du Vall does not disclose a device for immobilizing animals that includes an electrical power source and probe for inserting within an anal canal of the animal as recited in the pending claims. Specifically, the patent to Du Vall does not disclose (1) an electrical power source that supplies an electrical current of between about 250 mA and 400 mA with a frequency of between about 20 and 50 Hz and (2) an anally introduced probe. Moreover, the patent to Du Vall does not disclose a method of immobilizing an animal using such a probe. Therefore, the patent to Du Vall does not anticipate claims 24-36. Withdrawal of the rejection is requested.

Moreover, the patent to Du Vall does not teach or suggest that the device could be modified to arrive at the recited apparatus and method. The patent to Du Vall does not suggest that the vaginal probe and power source could be modified to produce and transfer the recited current that has been found to immobilize an animal. Any modification of the Du Vall probe to arrive at the present invention can only be

based on impermissible hindsight since the Du Vall patent is only intended to strengthen muscles – not immobilize people or animals.

Claim 9 was rejected under 35 U.S.C. §103(a) as being unpatentable over Du Vall in view of U.S. Patent No. 5,233,987 to Fabian et al. that teaches a device for monitoring a patient and determining how the patient complies with the applied treatment for strengthening her urinary sphincter. The device includes a vaginal treatment probe and counters for determining (1) how many treatments were applied to the patient and (2) the duration of these treatments. The device also includes a compliance monitor that allows a doctor to determine how the patient is responding to the treatments. Like Du Vall, the patent to Fabian does not suggest a probe for immobilizing an animal or a method of using a probe to immobilize an animal.

Nothing in the patent to Fabian would have motivated the ordinary artisan to modify the vaginal treatment probe of Du Vall to arrive at the device for immobilizing an animal as recited in claim 24. Additionally, Fabian would not have motivated the ordinary artisan to modify the vaginal treatment method disclosed by Du Vall to arrive at the method of immobilizing an animal as recited in claim 33. Withdrawal of the rejections is requested.

Claims 11 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Du Vall in view of U.S. Patent No. 5,199,422 to Seager et al. that teaches a device for achieving ejaculation in human patients. Like the above discussed patents, the patent to Seager does not disclose a device that includes a probe and an electrical power source that immobilizes an animal after being inserted in the anal canal of the animal. Similarly, the patent to Seager does not teach or suggest a method of using a device to achieve immobilisation of a human or animal. As a result, the patent to Seager would not have motivated one of ordinary skill in the art to

modify a muscle strengthening device to arrive at an immobilization device and method. Therefore, withdrawal of the rejection is requested.

Claims 14, 15, 18 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Du Vall in view of U.S. Patent No. 5,411,548 to Carmen that teaches a method of varying muscle strength in humans. The method makes use of surface electrodes, not a rectal probe carrying electrodes. Also, the treatment parameters are indicated as being electrical pulses between 10 and 100 mA, preferably 40 mA, and a potential of between 1 and 16  $\mu$ V, with a pulse duration of between 20 and 30 seconds and a 5 to 10 second interval.

The patent to Carmen does not disclose a device for immobilizing an animal or a method of using a device for immobilizing an animal. Additionally, the use of a pulsed current with a 5 to 10 second interval between pulses may be dangerous to a person working on an immobilised animal as the animal would be capable of moving during this interval. Therefore, nothing in the patent to Carman would have motivated one of ordinary skill in the art to modify the device of Du Vall to arrive at the immobilization device and method recited in claims 24-36. Withdrawal of the rejection is requested.

Claim 23 was rejected under 35 U.S.C. §103(a) as being unpatentable over Du Vall in view of U.S. Patent No. 5,499,631 to Weiland that teaches a vaginal probe having a plurality of electrodes for testing the electrical conductivity of body fluids, in particular vaginal mucous. Weiland does not teach a device for immobilizing an animal or a method of immobilising an animal. Additionally, Weiland does not disclose the other elements recited in claims 24-36 that are not taught by Du Vall. As a result, the patent to Weiland would not have motivated one of ordinary skill in the

art to modify the device of Du Vall to arrive at the device and method recited in claims 24-36. Withdrawal of the rejection is requested.

For all of the above-discussed reasons, Applicant submits that claims 24-36 are allowable. Notice to this effect is respectfully requested. If the Examiner has any questions that can be facilitated by contacting Applicant's representative, the Examiner is requested to contact the undersigned at the below listed number.

The Commissioner is authorized to charge the two-month extension of time and any additional fees related to this matter to Deposit Account No. 19-0733. Only a two-month extension of time is believed necessary as the Patent Office was closed on February 18, 2003 due to weather.

Respectfully submitted,

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Dated: February 19, 2003